IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR No.3860 of 2007

DATE OF DECISION: 6.8.2007

M/s Mannu Silk Store ...Petitioner

VERSUS

M/s Luxmi Cloth House ...Respondent

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Lalit Pathak, Advocate for the petitioner

Permod Kohli,J. (Oral)

This Revision Petition is directed against the order dated 21.4.2007 passed by the Civil Judge (Jr.Division), Dhuri in execution proceedings filed by M/s Luxmi Cloth House against Mannu Silk Store through its Proprietor Vakil Chand. Vakil Chand claiming to the son of Sohan Lal filed objections petition under Order 21 Rule 58 read with Section 151 CPC, objecting the execution of the decree, on the plea that he is not the judgment debtor in the decree nor he is proprietor of the Mannu Silk Store/judgment debtor. It is pleaded that Manoj Kumar who happens to be his son is the sole proprietor of the M/s Mannu Silk

Store-judgment debtor. The Executing Court dismissed the application primarily on the ground that after the passing of the ex-parte decree, the applicant/objector had moved the trial court for setting aside the decree and he did not take the pleas regarding the ownership of M/s Mannu Silk Store and the name of his father and his application was rejected. The order of rejection has attained finality. No appeal was preferred against that order and since the identity of the objector/applicant as a proprietor of the judgment debtor concerned has already been established, the plea of the applicant was not entertained and the property of the applicant has been attached in the execution proceedings. I do not find any factual or legal infirmity in the impugned order. The findings of the trial court are based on facts. I find no merit in this Revision Petition which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

6.8.2007
MFK

NOTE: Whether to be referred to the Reporter or not:YES/NO